



Indiana Judicial Nominating Commission

30 South Meridian Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

Application for the Indiana Supreme Court

The application for the Spring 2016 vacancy on the Indiana Supreme Court includes two parts. Both Part One and Part Two must be completed. Part Two *must* be provided separately as directed in the instructions. Answers in Part One and Part Two are a matter of public record and will be supplied to the media and public upon request. However, only answers in Part One may be posted online by the Indiana Judicial Nominating Commission.

Part One, Sections 1-11

1. Contact/General Information

A. Full legal name and any former names.

Lyle Raymond Hardman

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

Carolyn J. Hardman, 48, spouse. Mrs. Hardman is employed in the Development Office at the University of Notre Dame.

David W. Hardman, 20, son, student

Daniel P. Hardman, 18, son, student

C. Business address, email, and telephone number.

Hunt Suedhoff Kalamaros LLP

P. O. Box 4156

South Bend, IN 46634-4156

lhardenman@hsk-law.com

574-232-4801

D. Attorney number.

16056-49

E. Month and year you were admitted to the Indiana Bar.

October 1991

a. Indicate current law license status, i.e. active/inactive/retired.

Active

- b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date(s) of admission and current license status.

State Bar of Michigan, July, 2006, active and in good standing

- F. Date and place of birth.

January 14, 1966
Milwaukee, Wisconsin

- G. County of current residence and date you first became a resident.

St. Joseph County
July 2001

2. Secondary Education/Military Experience

- A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when.

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
DePauw University	1984 – 1988	B.A., cum laude
Butler University	Summer 1986	See DePauw transcript

Academic honors, awards and scholarships

National Merit Honor Scholarship, Honorable Mention – 1984

Presidential Academic Fitness Award – 1984

National Honor Society – 1984

Dean's List, four semesters, DePauw University, 1987 – 1988

- B. Include with your original application a certified transcript from each school named in Subsection 2A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

See attachment.

- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).

Not applicable.

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when.

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University Maurer School of Law	1988 – 1991	J.D.

Academic honors, awards and scholarships

Dean's List, two semesters, Indiana University School of Law, 1990 – 1991
Who's Who of American Law Students, 1991

- B. Include with your original application a certified transcript from each school named in Subsection 3A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

See attachment.

4. Employment

- A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment.

Hunt Suedhoff Kalamaros LLP
205 W. Jefferson Blvd., Suite 300
P.O. Box 4156
South Bend, Indiana 46634-4156
Associate Attorney – June 2001 to July 2005
Partner – July 2005 to present

Eichhorn & Eichhorn, LLP
200 Russell Street
P.O. Box 6328
Hammond, Indiana 46325
Associate Attorney – May 1991 to December 1996
Partner – January 1997 to May 2001

- B. If applicable, describe the nature and extent of your practice of law (present and former), and provide the names of your partners, associates, office mates, and employers.

My law practice has been concentrated in complex litigation, mass torts, products liability, medical malpractice, professional malpractice, legal malpractice, construction law, school law, employment discrimination, civil rights, UCC, commercial law, general negligence and tort law, contract actions, personal injury, municipal law, civil litigation at the state and federal level, including trials and appeals.

My partners and associates at Hunt Suedhoff Kalamaros LLP., are: Branch R. Lew, James J. Shea, Scott L. Bunnell, Kathleen A. Kilar, N. Jean Schendel, Timothy W. DeGroote,

Stephen E. Dever, Linda A. Polley, Daniel J. Palmer, Andrew S. Williams, Eric M. Wilkins, Codie J. Ross, Michelle K. Floyd, Thomas F. Cohen, Kevin W. Kearney, Charles H. Bassford, Keith C. Doi, Peter J. Bagiackas, Jennifer L. Butnaru, Patricia A. Mastagh, Dinah H. Sampson, Luke N. Reilander, Philip E. Kalamaros, Michael G. Getty, Karol A. Schwartz, Brian L. England, Amanda N. Zaluckyj, Jeremy D. Lemon, Joshua A. Atkinson and Christian P. Skordos.

5. Trial/Judicial Experience

A. Describe the extent of your jury trial experience, if any.

I have tried more than 25 cases as sole counsel, lead counsel, or second chair.

B. Describe the extent of your bench trial experience, if any.

I have tried more than 5 bench trials.

C. If applicable, describe the nature and extent of your judicial experience (including as a judge *pro tempore*). Include a description of your experience presiding over jury trials, if any.

Not applicable.

6. Professional Experience

Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6A – 6C.

A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number, and filing date.

Estate of Nicholas Rice v. Oaklawn Psychiatric Center, et al., Case No. 09-2804, 675 F.3d 650 (7th Cir. 2012), September 16, 2010.

David Lasco and Lax, Inc. v. Estate of Richard Mayer and Spangler, Jennings & Dougherty, P.C., 37A03-1207-PL-323, December 13, 2012.

William Bridge v. New Holland Logansport, Inc., Case No. 15-1935, August 27, 2015.

Michiana Dairy Processors, LLC v. All Star Beverage, Inc., 2:09-CV-39-PRC, 744 F.Supp.2d 790 (N.D.Ind. 2009), July 15, 2009.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter.

Not applicable.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

A Guide to Indiana's Medical Malpractice Act, published by Hunt Suedhoff Kalamaros LLP, Spring and Fall, 2002. The article was an overview of the complexities and salient features of Indiana's Medical Malpractice Act for attorneys unfamiliar with the Act.

- D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.

Estate of Nicholas Rice v. Oaklawn Psychiatric Center, Inc. This federal civil rights case involved the tragic death of a young man who suffered from a severe mental illness while incarcerated at the Elkhart County Jail. The complaint included a \$24,000,000 demand. Mr. Rice's estate filed suit against the jail, Elkhart County, the jail staff, and doctors and nurses who cared for Mr. Rice, both at the jail and at outside institutions. The case involved a significant damages claim, extensive discovery, and complex legal issues. Despite the very real possibility of an excess verdict, the federal claims were disposed of by summary judgment, which was upheld in an 84 page opinion by the United States Court of Appeals for the Seventh Circuit.

Indiana State Fair Litigation. This litigation involved 67 plaintiffs who were injured or killed at the Indiana State Fair on August 13, 2011, immediately prior to the Sugarland concert. This case was a mass tort. Through patience, perseverance, hard work, quick thinking and accommodation with all counsel, this matter was ultimately resolved.

Shelley Marshall, et al. v. The Hickey Group, et al. In this case, several plaintiffs filed suit against the Hickey Group, a South Bend construction company for personal injuries and property damage resulting from exposure to toxic substances in residential construction in a new subdivision. Following extensive discovery, including depositions of many expert witnesses and treating physicians, I was successful in barring the plaintiff's main expert witness on Ind.R.Evidence 702 grounds. The case was subsequently tried, over six days. The defense portion of the trial only lasted one and a half days. While the jury found for the plaintiffs (as it should have, since liability was admitted prior to trial), the jury award was less than one-fortieth the amount sought by the plaintiffs at mediation.

Michiana Dairy Processors v. All Star Beverage, Inc. Originally, this case started as a breach of contract action between two commercial entities for \$33.9 million dollars. As discovery progressed, Michiana Dairy Processors' counsel filed various amended complaints adding counts for fraud, RICO, and misuse of corporate structures. In addition, Michiana Dairy Processors sought to pierce the corporate veil. Following extensive written discovery and depositions, as well as various motions, I obtained judgment against the plaintiffs on all of their claims, as well as judgment for All Star Beverage, Inc. against Michiana Dairy Processors on a counterclaim.

New England Compounding Company Mass Tort Litigation. While still pending, this mass tort resulted from individuals receiving steroid injections compounded by the New England Compounding Company. Some 14,000 individuals received the contaminated injections. To date, suits have been filed against not only New England Compounding Company and its affiliates and personnel, but also against physicians, clinics, or hospitals who

administered an injection or where a patient received an injection. These actions are pending in the United States District Court for the District of Massachusetts, the United States Bankruptcy Court for Massachusetts, the United States District Court for the Northern District of Indiana, Superior Courts in St. Joseph and Elkhart Counties, and the Indiana Department of Insurance.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve these goals.

As a member of the Legal Ethics Committee for the Indiana State Bar Association, it has been my privilege to assist members of the bar with difficult legal issues. Frequently, these ethical issues have an impact on all practicing attorneys in Indiana. In the past, I have communicated with state representatives concerning judicial pay raises. Only by ensuring adequate compensation are we able to attract well qualified candidates to local, appellate and state supreme court judicial positions. I have been involved in defeating efforts to introduce legislation to eliminate merit selection for judges for Lake and St. Joseph Counties. I have also advocated for merit selection for Michigan's Supreme Court and appellate judges. In addition, I am a member of the Improvements to the Judiciary Committee in the state bar, as well as the Federal Judiciary Committee. As a member of the Federal Judiciary Committee, I conducted a study regarding possible closures of the federal courthouses in Lafayette and Terre Haute.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

I have served as an electoral judge, and I have discussed proposed legislation to be introduced into the House and Senate, as well as Congress. I have been a member of the Republican National Lawyers Association.

- C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

I am an officer and director for the South Bend Youth Symphony Orchestra. The Board meets on a monthly basis, and the function of the Board is to provide adequate funding for the Youth Symphony so it can serve its mission of providing a musical experience for talented students. The Youth Symphony is open to middle- and high-school aged children, and it actively encourages economically disadvantaged children to join. As the

only attorney on the Board, I also provide legal advice and expertise to the South Bend Youth Symphony Orchestra.

D. Describe the nature and extent of any *pro bono* legal services you have contributed.

I have represented the indigent through Indiana Legal Services, Inc. and the District 2 Pro Bono Legal Services Committee. I have received a letter of appreciation for my assistance in the District 2 pro bono program.

E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

I have been a guest lecturer at the Valparaiso University School of Law. I have given lectures on medical malpractice, trial techniques, and alternative dispute resolution. I have also been a moot court judge for the Indiana University School of Law – Indianapolis, Maurer School of Law – Indiana University, University of Notre Dame School of Law, University of Notre Dame, and the Jessup Moot Court Competition.

I have also spoken at seminars presented by the Indiana Civil Rights Commission on workplace discrimination.

8. Memberships and Other Activities

A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana State Bar Association. This association is the professional association for attorneys practicing in Indiana. I am a committee member on the Legal Ethics Committee, as well as the Federal Judiciary Committee. Both committees meet several times a year. The Legal Ethics Committee, in particular, requires a significant contribution of time, and responds to ethical inquiries by members of the Indiana State Bar Association. I am also a member of the sections on Litigation, Health & Medicine, and Appellate Practice. 1991 to the present.

The American Bar Association. The American Bar Association is the national professional association for attorneys. I have been a member of the sections of Litigation, Healthcare, Products liability, Insurance, and Utility Law. 1991–2000 and 2006–2007.

The Seventh Circuit Bar Association. The Seventh Circuit Bar Association is a professional association for attorneys who practice before the United States Court of Appeals for the Seventh Circuit. 1993 to the present.

The Defense Research Institute. The Defense Research Institute consists of attorneys who engage in the practice of defending persons or entities in primarily civil suits. 1996 to the present.

The Defense Trial Counsel of Indiana. The Defense Trial Counsel of Indiana consists of trial attorneys who defend individuals and entities in civil suits. 1996 to the present.

The St. Joseph County Bar Association. The St. Joseph County Bar Association is a professional association for attorneys who practice in St. Joseph County, Indiana. 2001 to the present.

The Lake County Bar Association. The Lake County Bar Association is a professional association for attorneys who practice in Lake County, Indiana. 1991-2001.

The State Bar of Michigan. The State Bar of Michigan is the professional association for members of the Michigan Bar. It is also responsible for attorney discipline. I am a member of the sections of Insurance, Litigation, and Appellate Practice. 2006 to present.

Rated by Martindale-Hubbell for legal proficiency and ethics.

Indiana Super Lawyer 2013 to the present

Indiana's Best Lawyers – 2016

The Best Lawyers in America, 22nd Edition - 2016

- B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana Freemasons, Tyrian Lodge. The Freemasons maintain numerous charitable organizations at the local, state, and national level, including offering scholarships and maintaining schools for handicapped children. I have been a Freemason since 2009.

I am an Officer and Board Member of the South Bend Youth Symphony Orchestra.

- C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Not applicable.

- D. Describe your hobbies and other leisure activities.

I enjoy ballroom dancing, reading, movies, family functions and family support of my wife and her mother, who is in a long-term, skilled nursing facility.

9. Legal Proceedings

- A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved [i.e. an adoption], use initials only.)

Mario Sims, Sr. v. Lyle R. Hardman, Cause No. 71D07-0206-PL-260. Mr. Sims was an inmate at the Westville Correctional Facility. I was retained to represent an individual in a *pro se* suit filed by Mr. Sims. During my representation of that individual, Mr. Sims sued me. The case was dismissed. Although Mr. Sims appealed the dismissal, the appeal was

also dismissed. This is not the only suit that Mr. Sims has filed. Mr. Sims has filed some 47 civil suits against attorneys, judges, and public figures, including former Chief Justice Shepard. For some of the appellate decisions involving Mr. Sims, please see *Sims v. Scopelitis*, 797 N.E.2d 348 (Ind.Ct.App. 2003); *Sims v. State*, 771 N.E.2d 734 (Ind.Ct.App. 2002); *Sims v. Beamer*, 757 N.E.2d 1021 (Ind.Ct.App. 2001); *Sims v. Crone*, 748 N.E.2d 440 (Ind.Ct.App. 2001) (Table); *Sims v. Barnes*, 689 N.E.2d 734 (Ind.Ct.App. 1998).

- B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

No.

- C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

Not applicable.

- D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

Not applicable.

10. References

- A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two of this application).

David A. Wilson
Edmond W. Foley
Michael P. Misch

- B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

Kathleen M. Maicher
David M. McTigue
Branch R. Lew

- C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

Jackie Walorski
Steven T. Parkman
Michelle Leady

11. State Police Release Form and Photograph

- A. Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.

Attached.

- B. Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed in person.)

Attached.

Date

Applicant Signature

Printed Name